

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 190 OF 2020**

Amit Suryakant Dalvi

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Meghashyam Kocharekar for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Ms Aishwarya Krishnan Lata for the Intervener.

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CORAM : N.R. BORKAR, J.

DATED : 27 FEBRUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 40 of 2018 registered at Nhava Sheva Police Station, Raigad for the offences punishable under Sections 420, 467, 468, 469, 471, 474, 120-B r/w 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the intervener/complainant.

4. The allegations against the present applicant and other co-accused are cheating and forgery. The complainant is one of the partners of partnership firms, namely, Kalydo Scope Space and Kallisto Space. The

said firms are in real estate business. According to the complainant, in the year 2014, he got acquainted with co-accused Kalpesh Palan, who is real estate broker and he told him that plot owned by the applicant is available for sale. It is alleged that complainant and his partners agreed to purchase the said plot for total consideration of Rs. 6.30 Crores. According to the complainant, certain documents were shown to them and they were made to believe that the said plot was allotted to co-accused Manjula Naik and others by CIDCO in view of acquisition of their land and the applicant had purchased it from them. According to the complainant, after execution of agreement and paying the amount of Rs. 4,32,58,000/- from time, they found that all the documents shown to them including allotment letter of CIDCO were forged and no such plot exist.

5. The learned counsel for the applicant submits that present applicant has not received any amount from the complainant. It is further submitted that it was co-accused- Kalpesh Palan, who deceived them.

6. The learned APP has produced on record the bank statement of the present applicant. It appears from the said bank statement that the applicant has received more than Rs. 1,41,00,000/- from the complainant/ firms of the complainant.

7. Considering the overall facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. Application is rejected.

(N.R. BORKAR, J.)